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ABSTRACT

This study assesses progress made by the states, as of 1990, in the implementation of the 14 components of Part H of Public Law 99-457, the Education of the Handicapped Act Amendments, 1986. Fifty out of 51 jurisdictions completed the State Progress Scale, which contains items for each of the 14 components and determines the stages of policy implementation: policy development; policy approval; and policy application. Two major messages emerged from the study: (1) that a major national effort is being made to comply with the complex set of requirements that are a part of this legislation and that status of the states has considerably improved over the first administration of the State Progress Scale a year earlier; and (2) that most states have not yet obtained official approval for their policies. The states were farthest along in establishing definitions of developmental delay and procedures for developing individualized family service plans, a child find system, a central directory, and contracting services. Those components of the law that showed the least progress in policy development were the development of data systems, procedures for assigning financial responsibility, interagency agreements, and timely reimbursement. Instructions for completing the assessment instrument are included in an appendix. (JDD)

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Carolina Institute for Child and Family Policy

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October 9, 1990

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INTRODUCTION

Much has been written about the intent of, and the challenges posed by, Part H of P.L. 99-457. One of the most important facets of this monumental legislation is the progress that the states have made towards its implementation. This study conducted by the Carolina Policy Studies Program (CPSP) focuses on the second year of the administration of the State Progress Scale and the progress that the states have made in the implementation of the fourteen components of the law (see Table 1).

Harbin, Gallagher, and Lillie (1989) in their analysis of states progress in the implementation of P.L. 99-457, reported that all states had made some progress in several of the fourteen components. In 1989, states had made more progress in policy development, than in approval and application. At that time, the component in which states had reported the most progress was the policy concerning the definition of developmentally delayed. The areas of least progress related to financial issues and interagency agreements.

Results of the 1989 study indicated that many states could have difficulty meeting the 1990 timeline required by the legislation. In order to be eligible to receive fourth year funding in the fall of 1990, the state must have adopted a policy which incorporates all of the components of a statewide system and "such statewide system will be in effect no later than the beginning of the fourth year of the states' participation" (Education of the

TABLE 1

Minimum Components of a Statewide Comprehensive System for the Provision of Appropriate Early Intervention Services to Infants and Toddlers with Special Needs

1. Definition of developmentally delayed.
2. Timetable to all in need in the state.
3. Comprehensive multidisciplinary evaluation on needs of children and families.
4. Individualized family service plan and case management services.
5. Child find and referral system.
6. Public awareness.
7. Central directory of services, resources, experts, research and demonstration projects.
8. Comprehensive system of personnel development.
9. Single line of authority in a lead agency designated or established by the governor for carrying out:
   a. General administration and supervision.
   b. Identification and coordination of all available resources.
   c. Assignment of financial responsibility.
   d. Procedures to ensure services are provided and to resolve intra and interagency disputes.
   e. Entry into formal interagency agreements.
10. Policy pertaining to contracting or making arrangements with local service providers.
11. Procedure for timely reimbursement of funds.
12. Procedural safeguards.
13. Policies and procedures for personnel standards.
14. System for compiling data on the early intervention program.

Handicapped Amendments of 1986). At the beginning of the fourth year, states need only to conduct multidisciplinary assessments, develop individualized family service plans, and make available case management services.

To provide an update on the status of the states, CPSP asked the Part H Coordinators from the fifty-one jurisdictions (50 states and the District of Columbia) to complete the State Progress Scale (SPS), especially designed for this series of studies. The first year (1989) that the SPS was administered, 47 jurisdictions returned their completed scales for a response rate of 92%. For the second administration, 50 out of 51 jurisdictions completed their scale for a 98% return rate.

This instrument is a five point scale (with 1 representing not developed and 5 representing totally developed), containing items for each of the fourteen components, and including each of the stages of policy implementation: policy development, policy approval, and policy application. Several studies of policy implementation have suggested similar stages. **Policy Development** is the generation of a set of written rules and procedures. **Policy Approval** is the official sanction at the state level for the policies that have been developed. Who provides such an official sanction may vary from state to state. **Policy Application** is when the policy is put into effect at the state and local levels. The appendix contains a sample item from this scale, as well as the directions for completing the scale. The SPS has achieved appropriate reliability (Harbin, Gallagher, Lillie, & Eckland, 1990).

In this study, we were interested in two fundamental questions. First, how are the states doing now? Second, how much progress have the states shown in the three policy stages (development, approval, and application), since the first measurement approximately a year previous to the current measurement?

RESULTS

Results for each of the above questions will be described. This section also contains brief discussions of each of the findings. The final section of this report will discuss the broader implications of these various results.

How Are the States Doing?

Policy Development. In the area of policy development, as shown in Table 2, the states were farthest ahead in defining "developmentally delayed." Twenty-nine states had fully developed definitions, while ten others reported that their definitions were almost completed, and eleven others reported the development of the definition to be in process. This rate of progress is not surprising since it would be difficult to accomplish any of the other goals of implementation without a definition that describes the target population for these services.

Other components that appeared to be developing more quickly were: (1) procedures for developing IFSPs, (2) policies for a child find system, (3) procedures for developing a central directory, and (4) procedures for contracting services. Again, the reasons for the

TABLE 2

STATE PROGRESS IN THE IMPLEMENTATION OF P.L. 99-457, PART H, (Policy Development -- 50 Jurisdictions Reporting), July 1990--Second Administration

Requirements	1	2	3	4	5
	Not Developed		In Process		Developed
1. Define "developmentally delayed".	0	0	11	10	29
2. Timetable development.	3	5	19	8	15
3. Procedures for multidisciplinary evaluation.	0	3	23	13	11
4a. Procedures -- IFSP plan.	0	1	18	18	13
4b. Procedures for case management.	0	5	22	14	9
5. Child-find systems.	0	2	23	11	14
6. Develop public awareness system.	1	3	26	6	14
7. Develop central directory of services.	0	0	23	14	13
8. Systems of personnel development.	1	2	27	9	11
9a. Procedures -- assign financial responsibility.	2	7	26	6	9
9b. Interagency agreements and dispute resolution.	7	11	22	6	4
9c. Administration	3	10	18	8	11
10. Procedures for contracting services.	3	6	10	8	22
11. Policy for timely reimbursement.	12	8	19	5	6
12. Develop procedural safeguards.	3	3	17	9	16
14. Develop data systems.	2	6	22	12	8

relatively swifter progress on these components are clear. Many states have various requirements for child find and certainly, in many instances, have had cause to have established policies for contracting for services. In addition, prior to the passage of P.L. 99-457, several states had begun development of a comprehensive directory of services utilizing Preschool Incentive Grant and State Plan Grant funds. It appears that some states have been able to build upon or modify their former policies in these areas to meet the requirements of P.L. 99-457.

The progress related to IFSP policy may reflect emphasis in this law with respect to parent empowerment and participation. Another factor that may have influenced progress on these components is that the law indicates that such elements as IFSPs, multidisciplinary assessment, and case management need to be implemented in order to receive fourth year funding. Only one state made less than modest progress in policy development related to the IFSP.

In contrast, the four items that lagged behind in progress were the development of data systems, procedures for assigning financial responsibility, interagency agreements, and timely reimbursement. Faced with a wide variety of demands for policy development, the lead agencies and the Interagency Coordinating Councils seemed to have focused on those components that either need to be (e.g., definition), or could be (e.g., contracting for services), addressed more quickly. The components in which the least progress was made tend to be more sensitive and time consuming because of the need for interagency negotiation. Many states only began to work on

coordinated funding and service delivery after the passage of P.L. 99-457.

The assignment of financial responsibility is a very sensitive subject for states, as is the development of interagency agreements and rules for dispute resolution. Since no single entity in this planning process has the authority to force other agencies to comply with its wishes, such agreements must be reached by negotiations and compromise, requiring a great deal of time and cooperation. It is often difficult to obtain cooperation that requires an investment of time and fiscal resources from other partners in the interagency agreement.

The requirement for a system for compiling data had not yielded a great amount of policy action either. Perhaps it is difficult for the states to identify situations where data systems have yielded important dividends in terms of increased services to children. It is possible that states are reluctant to begin the development of such a costly system if it is to be used primarily for federal reporting requirements. In addition, it is also possible that the preexisting federal reporting requirements of other federal programs (e.g., Children's Medical Services, WIC, EPSDT, etc.) are quite different from one another, as well as from those for Part H. These differences in federal requirements and existing state data systems to meet these requirements may make it difficult for states to develop a coordinated data system.

Policy Approval. Table 3 provides information on the same fourteen components, regarding the states' progress in obtaining approval for their policies. Completion here means that an official

TABLE 3

STATE PROGRESS IN THE IMPLEMENTATION OF P.L. 99-457, PART H, (Policy Approval -- 50 Jurisdictions Reporting), July 1990--Second Administration

Requirements	1	2	3	4	5
	Not Approved		In Process		Approved
1. Define "developmentally delayed".	4	6	19	10	11
2. Timetable development.	11	9	17	2	11
3. Procedures for multidisciplinary evaluation.	9	14	19	4	4
4a. Procedures -- IFSP plan.	3	13	25	7	2
4b. Procedures for case management.	5	18	18	5	4
5. Child-find systems.	7	9	20	9	5
6. Develop public awareness system.	9	13	13	9	5
7. Develop central directory of services.	8	7	18	10	7
8. Systems of personnel development.	11	14	14	3	8
9a. Procedures -- assign financial responsibility.	12	15	15	4	4
9b. Interagency agreements and dispute resolution.	16	11	17	4	2
9c. Administration.	9	15	13	5	8
10. Procedures for contracting services.	9	7	8	8	17
11. Policy for timely reimbursement.	19	13	9	3	6
12. Develop procedural safeguards.	7	10	16	5	10
14. Develop data systems.	8	16	12	10	4

entity in the state has formally approved these policies and made them official state policy.

While there appeared to be substantial movement forward on the majority of the policies, it is clear that few states had reached a fully approved status. It is, of course, not surprising that states made more progress in policy development than in policy approval. Policies can not be approved which have not yet been developed.

For the most part, those components that were more advanced in policy development were also more advanced in policy approval. The definition of developmentally delayed, the central directory of services, and the procedures for contracting services all seem to be moving towards approval. The exception to this progress is the approval of policies for the IFSP. Policies that involve family participation may be substantially more complex and controversial, and may take more time to gain official sanction.

Those policies that progressed more slowly in the policy development phase (timely reimbursement, interagency agreements, data systems, etc.) also moved slowly in the policy approval phase. Also slow to be approved were policies for the establishment of systems of personnel development. The area of personnel preparation is a very complex matter, involving many programs at several universities in each state, as well as credentialing agencies, and will probably need much discussion and negotiation before policy approval can be obtained.

There has been a certain awkwardness in timing in the quest for policy approval for these various components of the implementation. If the state legislature is involved in the approval

process, there is a built-in restriction in terms of when, within the calendar year, the legislature could address these policies. It is interesting to note that many states seemed to be developing and approving policies related to individual components (e.g., IFSP), instead of approving a package of policies that contained all fourteen components.

Policy Application. Finally, Table 4 indicates progress in policy application. It would not be expected that many states would be in a position to implement or apply these policies at the service delivery level and an examination of Table 4 shows this to be the case. Only on the components of "procedures for contracting services" did a sizeable number of states (16) report that they were using the policies that they had developed.

The majority of states report that they were not very far along in the application of the policies related to the fourteen components. Full implementation, of course, must follow development and approval of policies. Therefore, it is natural that the least progress had been made in this third stage of the policy implementation process.

On the other hand, it is important to also note that in many instances states had begun to apply and use the policies before they were required to do so. It is also possible that the initial efforts on the part of states to implement policies can provide useful information that will help to identify the need to revise draft policies. In addition, these early application efforts could lay the groundwork and provide information that is essential for successful statewide implementation of policies.

TABLE 4

STATE PROGRESS IN THE IMPLEMENTATION OF P.L. 99-457, PART H, (Policy Application -- 50 Jurisdictions Reporting), July 1990--Second Administration

Requirements	1 Not Implemented	2	3 In Process	4	5 Implemented
1. Define "developmentally delayed".	14	15	12	5	4
2. Timetable development.	17	11	14	3	5
3. Procedures for multidisciplinary evaluation.	20	13	10	5	2
4a. Procedures -- IFSP plan.	15	16	15	4	0
4b. Procedures for case management.	18	14	12	4	2
5. Child-find systems.	14	13	12	8	3
6. Develop public awareness system.	18	11	11	7	2
7. Develop central directory of services.	15	10	8	12	5
8. Systems of personnel development.	21	13	7	3	6
9a. Procedures -- assign financial responsibility.	24	15	7	1	3
9b. Interagency agreements and dispute resolution.	27	14	5	2	2
9c. Administration.	19	13	6	5	7
10. Procedures for contracting services.	11	11	4	7	16
11. Policy for timely reimbursement.	28	10	5	2	5
12. Develop procedural safeguards.	18	9	6	6	9
14. Develop data systems.	17	12	13	7	1

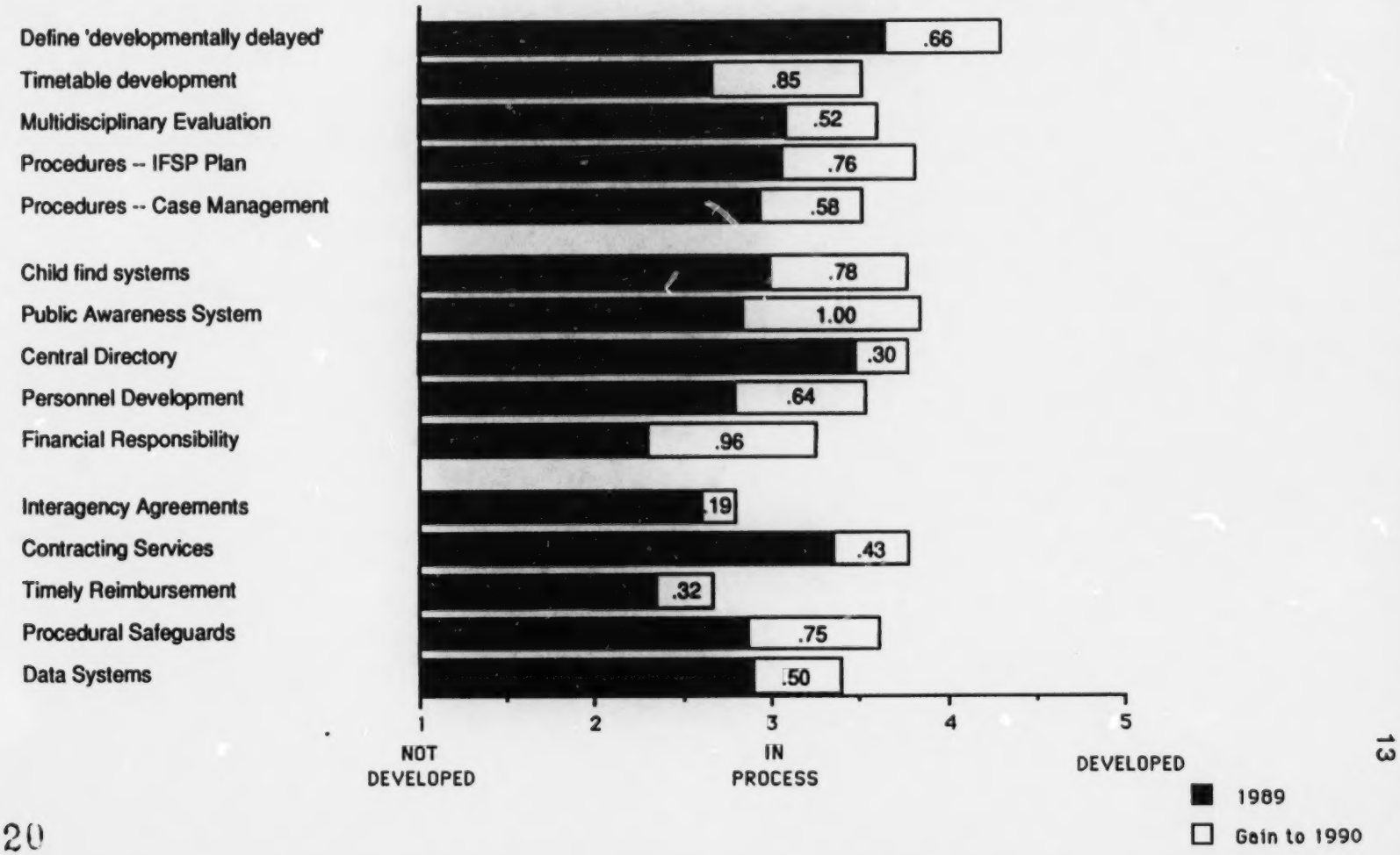
Overall, the states showed substantial effort in developing policy on the wide array of issues that the federal legislation and regulations have presented to them. If states were not as far along in the processes of policy development and approval as they might wish, it may well be that the sheer volume of difficult decisions that had to be made has played a role in slowing the process. When one asks the states to develop a new set of personnel standards, policies for parent participation, new financial and data systems, etc., all at the same time, it is hardly surprising that many states are not yet quite ready for full implementation of this law.

What Progress Was Made Since Last Year?

A slightly different question, which is intriguing to all concerned, is how much progress was made by states from one year to the next. Also of interest is whether the rate of progress was similar across all of the fourteen components, or if there was more progress in some areas than others? To answer this question the CPSP compared the data collected from 46 states in 1989, on this same scale, with the progress made in 1990.

Policy Development. Figure 1 indicates the progress made on policy development over approximately a one year interval. In the figure, the solid bar represents the average status of these 46 states in 1989, while the white portion of the bar represents the growth made in one year. The numbers within the white section of each bar indicate the average amount of progress made by the 46 jurisdictions in each component from 1989 to 1990.

Figure 1: Mean Gains, State Progress in the Implementation of PL 99-457, Part H, POLICY DEVELOPMENT (N=36 Jurisdictions)



As the figure shows, there was noticeable but differential progress made on each of the fourteen components. It is particularly encouraging to see the substantial progress made on the "assignment of financial responsibility," where there was a mean gain of .96--or almost a whole point on a five point scale. Although this component still lagged behind most of the others in overall progress, the states reported dramatically increased activity on this policy development issue during the intervening year.

There were 10 additional components in which there was average progress of a half point or more on the scale. These ten components were: policies for public awareness, timetables, IFSP procedures, child find, the development of procedural safeguards definition of developmental delay, multidisciplinary assessment, case management, personnel development, and development of data systems. Two areas for which one would predict the most difficulty in policy development--financial responsibility and procedural safeguards--actually showed encouraging gains during the intervening year. On the other hand, progress on "interagency agreements" and "timely reimbursements" was minimal. It is possible that these components are more influenced than others by the change in state administrations. In some instances, these changing state administrations are operating in environments with shifting priorities, making the development of financial polcies and interagency agreements extremely difficult. It appears that there remains much hard work before the states can reach full implementation of this legislation.

As is often the case, general tendencies shown in Figure 1 mask some diverse changes in individual states. For example, there were nine states that regressed or showed a decrease in progress in their total score from last year. One possible explanation for this decrease in progress is that these states changed Part H Coordinators and therefore, a different individual with a different perception completed the SPS. Analysis indicated that this decrease in scores was not totally due, however, to the fact that a different Part H Coordinator completed the SPS for the second administration. Only three of the nine states with decreased scores had a change in the person completing the scale.

A second possible explanation for this decrease in progress is that the federal regulations were promulgated between the first and second administration of the State Progress Scale (SPS). It seems likely that the detail of such regulations may have changed some Part H Coordinators' understanding about how well their states were doing in meeting the federal requirements. It is also possible that some Part H Coordinators over-estimated how much progress their states had made in policy development, approval, and application last year. In some instances, as Part H Coordinators gained more experience in this complex task of policy development, they might have developed more realistic perceptions of the state's actual progress.

Another possibility for explaining the decrease in scores is the existence of some external event, which in some way, affected the state's progress. For example, the election of a new governor who appoints new commissioners and ICC members has the potential for

setting back the process of policy development and approval. Despite the agreements made by previous commissioners, the new commissioners may call for a different policy direction, thereby requiring agency representatives to begin the policy development process once again.

A final explanation for the decrease in scores in some states could be the fact that specific criteria for selecting scores was added to the SPS for the second administration. This page of criteria defined each number (1-5) for each of the three policy stages (development, approval, application). See the Appendix for this page of directions. It is possible that some of the Part H Coordinators changed their ratings based upon these more specific descriptions.

On the other hand, there were some states that made substantial progress from one year to the next. As was the case for those states with a decrease in scores, only two of the six states with substantial gains had a different Part H Coordinator completing the SPS for the two years. Other explanations for such substantial progress might be a political climate that was conducive to policy development and approval. It is equally possible that the ICC, with its many task forces, had been able to develop a shared vision of the service system, as well as a systematic and productive approach to policy development. Perhaps this enabled the ICC and Lead Agency to make significant progress in policy development. Similarly, individual members of the ICC may have begun to lay the groundwork for policy approval through organized contacts with various constituencies and governmental bodies.

Policy Approval. Figure 2 shows the encouraging progress made in policy approval in the 46 states. Most states reported policy approval to be 'in process.' This is a substantial move forward from the previous year. Figure 2 indicates that states began to lay the groundwork to obtain official approval before they completed the development of the policies. It seems that states made tangible progress in policy approval for all of the fourteen components.

Policy Application. There was, however, less progress towards policy application. Figure 3 indicates the progress made in policy application on the required fourteen components. As indicated previously in this report, it is possible that states made little progress in policy application, since the vast amount of energy in the states was expended upon getting the policies developed and approved.

It is encouraging that some progress over the previous year was noted in each component in the policy application process, which suggests that some states have begun, perhaps on a pilot basis, to put some of these policies in place. The true test of the policies, of course, will be how well they are applied at the local level, across the diverse sets of communities and regions in each state.

Figure 2: Mean Gains, State Progress in the Implementation of PL 99-457, Part H, POLICY APPROVAL (N=46 Jurisdictions)

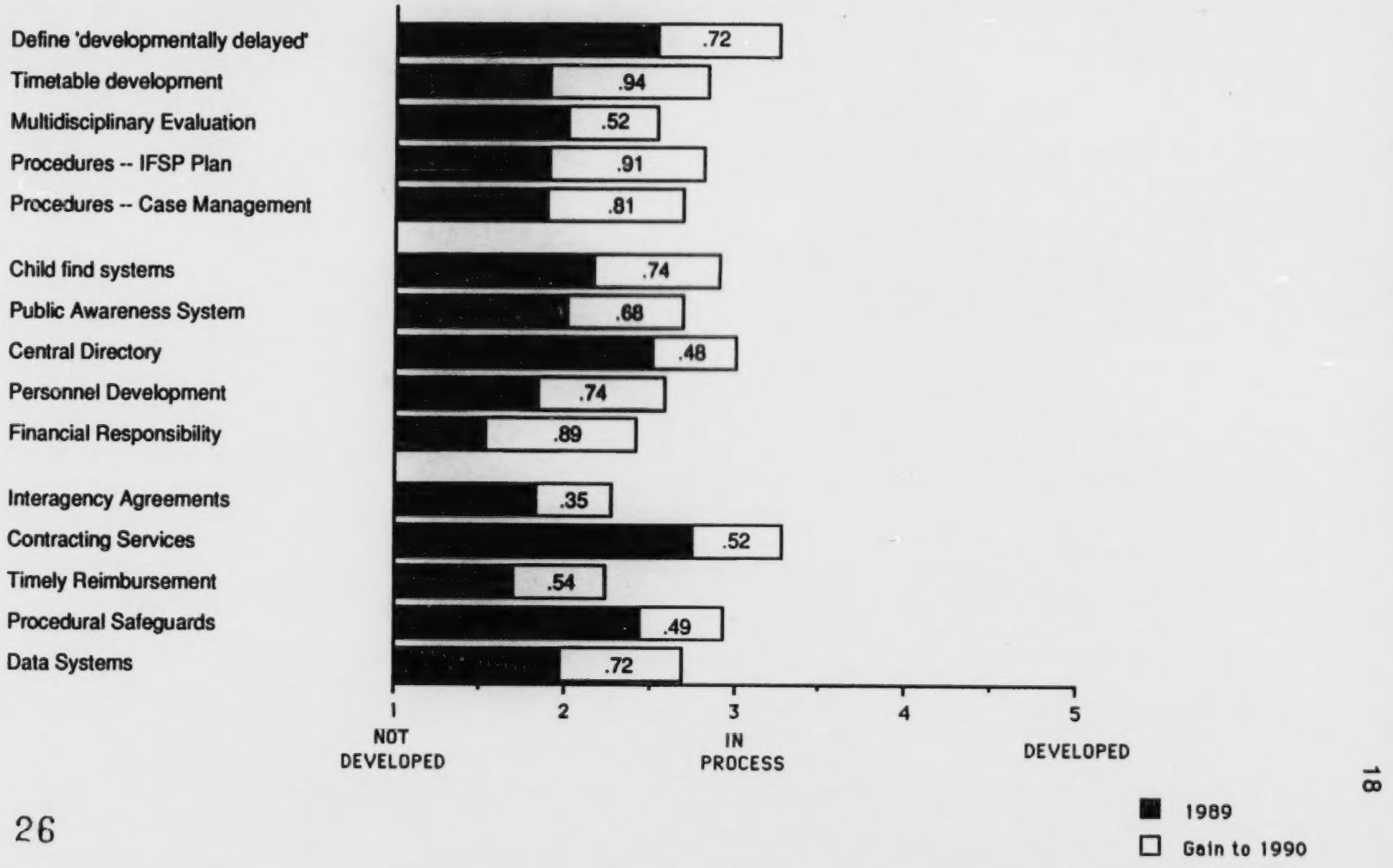
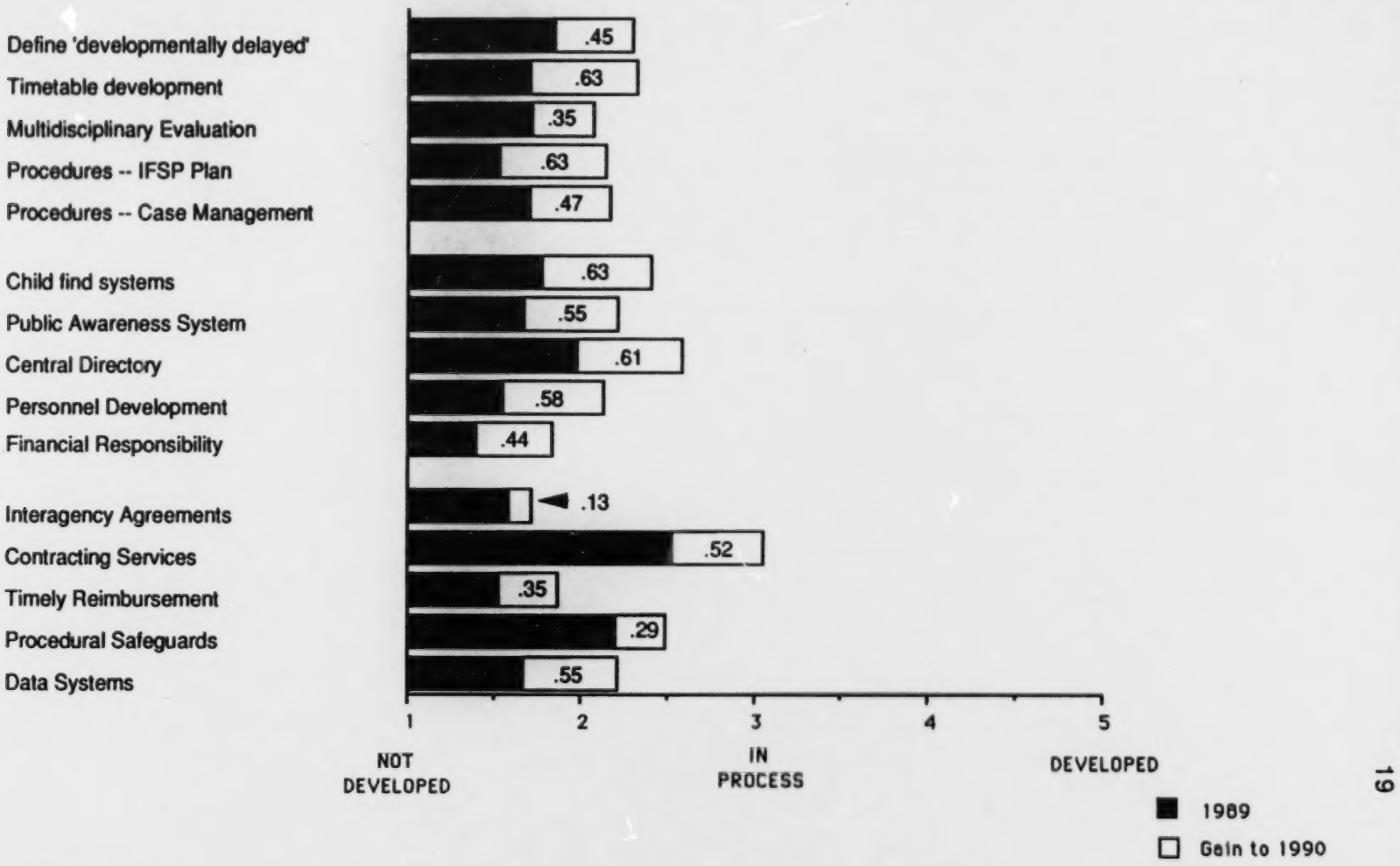


Figure 3: Mean Gains, State Progress in the Implementation of PL 99-457, Part H, POLICY APPLICATION (N=46 Jurisdictions)



CONCLUSIONS

Two major messages emerge from these data on the status of the states in implementing Part H of P.L. 99-457. First, there is a major national effort being made to comply with the complex set of requirements that are a part of this legislation. Substantial progress across all of the fourteen components was noted. This observation is in concert with other data obtained by CPSP during 1989 and 1990. It is evident that all of the states have taken these tasks seriously and are moving ahead on the development and approval of policies.

The second major observation is that, as of April 1990, most states had not yet obtained official approval for their policies. This is troubling in light of the timelines within the legislation. These data were gathered between December, 1989 and June of 1990. States were supposed to make an application for fourth year funding in May or June of 1990. However, in April most states had not yet received state policy approval--a requirement for fourth year funding. Consequently, very few states applied for fourth year funding on schedule. At this writing, there are still very few states that have submitted a fourth year application.

It appears that the states are moving more slowly towards the accomplishment of the implementation goal than the Congress expected. Examination of the timelines within the legislation indicates that there seemed to be an assumption by the authors of this federal legislation that the various service system components were, for the most part, already in place within the states as a

result of previously funded federal programs (S. G. Garwood, personal communication, October 1986). It seems to be further assumed that what was needed was the mandate and incentive to coordinate these various system components.

If that were the assumption, it is not supported by these data. The challenge was not merely to put policies into place. Rather, the tasks included the creative design of coordinated systems, as well as policies that never before existed. These demands, when combined with dispersed authority for making policy decisions, resulted in overall progress, albeit somewhat slow.

Factored into this overall situation is the difficult financial position of both the states and the federal government. There were few states that had a booming economy during this period. In fact, many states had severe fiscal pressures placed upon their existing services. The introduction of a new entitlement program with an uncertain, but clearly significant financial commitment, is viewed with apprehension by state public decision makers.

Another complicating factor is the relatively modest amount of money provided by the federal government to aid the states in preparing for and implementing this comprehensive entitlement program. There are some policy makers at the state level who wish to see a greater financial commitment from the federal government, even though there is a recognition that the financial problems of the federal government are enormous.

In order to address the problem of sufficient resources, financial incentives could be used. For example, Congress could amend the legislation in such a way that states which were still in

the process of developing and obtaining policy approval would receive one level of funding, while states that were involved in the implementation of these policies would receive a higher level of funding. This differential approach to funding would recognize the complexities of the policy process and encourage all states to continue to participate. This approach would also have the advantage of providing adequate time for policy development. It could reduce the possibility that, in order to meet the timelines and remain eligible, some states might develop policies that might meet the letter, but not the spirit, of the law or develop policies that would be difficult to implement. This approach also recognizes that the implementation of an entitlement program is more expensive than planning for such a program.

It appears that the lack of time and resources necessary to develop an adequate system of early intervention services are major barriers to the full implementation of Part H of P.L. 99-457. If all states are going to continue to participate in this important program, it appears that the federal government will need to provide additional assistance to states. In addition to time and fiscal resources, which are the domains of the Congress, states could benefit from the assistance of federal agencies, as well. This assistance could take a variety of forms. First, states have indicated that the presence of existing, conflicting policies for relevant federal programs makes policy development and approval more difficult at the state level. Perhaps the Federal Interagency Coordinating Council (FICC) could undertake the project of cooperatively revising these conflicting policies, making them more

compatible. Second, perhaps the Office of Special Education Programs (OSEP) and the FICC could use information gathered from the National Early Childhood Technical Assistance System (NECTAS), in order to fund demonstration and personnel preparation programs that meet the states' needs. For example, the requirement to develop a coordinated, statewide screening and tracking program that is feasible and based upon the literature, is hindered by the lack of available models. Finally, the FICC could serve as a mechanism to coordinate each agency's plans to fund a variety of programs. This would help to systematize the use of federal resources and result in more effective assistance to states.

The states have demonstrated more than a "good faith" effort in attempting to meet the complex demands of P.L. 99-457. The federal government needs to recognize these efforts and reinforce them. The provision of additional time and financial incentives, the provision of assistance in the form of relevant research, development, and demonstration projects, and the revision of conflicting federal policies would go a long way in recognizing and encouraging the states' efforts and continued participation.

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Education of the Handicapped Act Amendments of 1986, Sec. 675 (b) (c), 20 USC 1475 (1986).

Appendix

SCALE DIRECTIONS

PL 99-457 (Part H) requires the states to demonstrate that they have taken action on fourteen separate but interrelated components as part of providing a multidisciplinary service delivery system for infants and toddlers and their families. This scale will allow you to rate how your state is progressing on each of these fourteen system components.

The eventual implementation of the fourteen components required by PL 99-457 will require the state to go through three phases: policy development, policy approval, and policy implementation. A short definition of each follows:

policy development - The generation of a set of written rules and procedures which guide the allocation of resources in a given program.

policy approval - The official sanction at the state level for the policies that have been developed. Who provides such an official sanction may vary from state to state. It could be the lead agency, legislature, Governor, or perhaps an official policy council.

policy implementation - the policy is being put into effect at the state and local levels.

This scale is designed to be used across several years to trace the progress of states in implementing PL 99-457. The use of three policy phases is likely to give a more accurate picture of changes in the states' policy development and implementation. It is possible that all of these three phases could be going on in a state at the same time, so it becomes necessary to ask you to rate each phase in each item. For example, the SAMPLE addresses a fictional component of the system. The sample state of "Utopia" has circled #3 in Policy Development, #2 in Policy Approval, and #2 in Policy Implementation.

Each policy phase is based upon a 5 point scale. A rating of 1 indicates no action taken, while a rating of 5 indicates that policy phase has been completed or accomplished. Please read each item very carefully.

Please be sure to circle only one number in each policy phase. This will add up to 3 circles on each page. Do not add any 1/2 numbers (e. g., 2 1/2).

Also enclosed is a page defining what each number means in terms of Policy Development, Policy Approval and Policy Implementation.

I. DEFINITION

TO WHAT EXTENT HAS THE STATE BEEN INVOLVED IN THE PROCESS OF DEFINING THE TERM "DEVELOPMENTALLY DELAYED" AS REQUIRED IN PL 99-457, PART H.?

	1	2	3	4	5
POLICY DEVELOPMENT	No policy is being developed as yet		In process of developing policy concerning definition		Policy has been written
POLICY APPROVAL	Have not begun process to obtain approval of policy		In process of gaining official approval		Policy has been officially approved and is legally enforceable
POLICY IMPLEMENTATION	Have not begun to implement policy		In process of implementing policy		Policy is fully implemented at state and local levels

**** CIRCLE ONE NUMBER IN EACH CATEGORY ABOVE**

DEFINITION OF TERMS
SCALE TO MEASURE PROGRESS

POLICY DEVELOPMENT

1. The state has not begun conceptualizing or discussing the development of a policy.

2. The state has just begun to think about and discuss what the policy should entail.

3. The state has a task force or individual that has begun to draft a policy and get reactions from a variety of individuals.

4. The draft is undergoing revision, but policy developers feel this draft is nearly final.

5. The state policy is fully developed and written in final form (with unofficial approval).

POLICY APPROVAL

1. The state has not begun the process of obtaining approval from some legally sanctioned body within state government (e.g., state legislature).

2. The state has just begun to think about and discuss what needs to be done in order to obtain formal approval of the written policy by a sanctioned individual or body within state government (e.g., Governor, legislature).

3. The state has identified who needs to be involved in the official approval process, and has contacted some persons relevant to the approval process. There exists a clear understanding of the formal approval process and of how to achieve the goal of final approval.

4. The process of final state approval is well-advanced.
Some individuals still need to be convinced, but final approval appears to be promising.

5. State policy is finally and officially approved by one of the branches of state government, thus making it a legally enforceable document.

POLICY IMPLEMENTATION

1. The state has not yet undertaken or begun implementation of policies at the state or local level.

2. The state has begun to implement some aspects of the policy (e.g., pilots, implementing policy in one part of the state, implementing an aspect of the policy).

3. The policy is about 50% implemented.

4. The state is nearly completely implementing the policy. Some aspects of the policy remain to be implemented.

5. The state is fully implementing all aspects of the policy at the state and local level.

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EXECUTIVE SUMMARY:

STATUS OF STATES' PROGRESS IN IMPLEMENTING PART H OF P.L. 99-457: REPORT #2

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October 9, 1990

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EXECUTIVE SUMMARY

This report focuses on the progress that the fifty states are making in the implementation of Part H of P.L. 99-457. In 1990, the Part H Coordinators in each of the states were asked to complete the State Progress Scale (SPS) which had also been administered about one year earlier. This scale allows us to chart the status of the states in the three stages of policy development, policy approval, and policy application. Comparison of the states' status on both the first and second administrations of the SPS enabled us to depict the growth and changes that had taken place in the intervening year.

The results revealed that the current status of the states is considerably improved from last year. In policy development, the states were farthest along in establishing a definition of developmental delay, procedures for developing IFSPs, developing policies for a child find system, a central directory, and for contracting services. The states' status appears to be facilitated by previous efforts at similar tasks in the states and by Part H of P.L. 99-457 that requires that some of the components such as the IFSPs and the multidisciplinary assessments be implemented earlier than many of the other fourteen components.

Those components of the law that showed the least progress to date in policy development were the development of data systems, procedures for assigning financial responsibility, interagency agreements and timely reimbursement. These are the areas that often require greater negotiations and compromise among agencies and influential groups. Since no one individual or agency has the

authority and power to force others to their will on such matters, the process of compromise and negotiations has been time consuming and difficult. The processes of policy approval and policy application, which must wait to some extent upon policy development, are at a lesser stage of completion at this time.

In comparing these results with the findings obtained on the same scale about one year earlier, substantial progress was noted. The states had gained an average of more than a half point on a five point scale on eleven of the required components: procedures for assigning financial responsibility, policies for public awareness, timetables, IFSP procedures, child find, procedural safeguards, definition of developmental delay, multidisciplinary assessment, case management, personnel development, and data systems.

The areas that showed the least progress from one year to the next were interagency agreements and timely reimbursement. It is possible that these components are more influenced than others by the change in state administrations. In some instances, these changing state administrations were operating in environments with shifting priorities, making the development of financial policies and interagency agreements extremely difficult. It appears that there is much work to be done before these components reach the policy approval stage. Some progress over the previous year was also noted in the areas of policy approval and policy application, although not much progress can be expected in these policy stages until policy development is finalized.

There appears to be solid evidence from these findings that states have made considerable and widespread progress in the

implementation of Part H of P.L. 99-457. However, the fact that progress has been somewhat less than required by the legislation seems to be explained by several factors.

1. The sheer volume of difficult policy decisions required of the states by this legislation.
2. The difficult financial situation that many states and the federal government find themselves in at the present time.
3. The lack of direct authority and power for any one source, such as the lead agency, to require other agencies to participate and contribute in a manner decided by the lead agency. A time-consuming process of negotiations and compromise has been required.
4. Many of the policy areas require novel and creative solutions, which are also time-consuming in their creation and acceptance by others.

It appears that the lack of time and resources necessary to develop an adequate system of early intervention services are major barriers to the full implementation of Part H of P.L. 99-457. If all states are going to continue to participate in this important program, it seems that the federal government will need to provide additional assistance to states.

The authors of this report believe that a thorough review of the current status of the states by OSEP or by the Federal Interagency Coordinating Council (FICC) should be undertaken to

determine what types of assistance are needed in order for the states to complete, in a timely fashion, the full implementation of this legislation. This report includes some specific suggestions that could be utilized by OSEP and the FICC to that end.